

109TH CONGRESS
1ST SESSION

H. R. 4266

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide temporary emergency assistance for primary residences damaged or destroyed by Hurricanes Katrina and Rita.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 2005

Mr. PICKERING (for himself, Mr. TAYLOR of Mississippi, Mr. WICKER, Mr. JINDAL, Mr. ALEXANDER, Mr. BONNER, Mr. BOUSTANY, and Mr. MCCRERY) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide temporary emergency assistance for primary residences damaged or destroyed by Hurricanes Katrina and Rita.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Housing Opportunities
5 and Mitigating Emergencies Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The Gulf Coast region of the United States
2 was recently decimated by twin natural disasters:
3 Hurricanes Katrina and Rita.

4 (2) Hurricane Katrina crashed into the Gulf
5 Coast on August 29, 2005, as a category 4 storm.

6 (3) At the time of its landing, Hurricane
7 Katrina was recorded as the third strongest hurri-
8 cane to ever make landfall on the United States,
9 with sustained winds over 140 miles per hour.

10 (4) The damage and destruction caused by
11 Hurricane Katrina along the coastal regions of Lou-
12 isiana, Mississippi, and Alabama were unmatched in
13 their breadth and scope.

14 (5) A 10- to 30-foot storm surge came ashore
15 on over 200 continuous miles of coastline from
16 southeast Louisiana, including Mississippi and Ala-
17 bama, through to the Florida panhandle.

18 (6) The 30-foot storm surge recorded at Biloxi,
19 Mississippi, is the highest ever observed in the
20 United States.

21 (7) Hurricane Katrina's storm surge quickly
22 breached the levee system that protected the city of
23 New Orleans from Lake Pontchartrain and the Mis-
24 sissippi River, subsequently flooding at least 80 per-
25 cent of the city.

1 (8) The magnitude of Hurricane Katrina was of
2 such an unprecedented scale that the Federal dis-
3 aster declarations which followed its destructive path
4 blanketed over 90,000 square miles of the United
5 States, an area almost as large as the United King-
6 dom, displacing more than 1,000,000 people—a hu-
7 manitarian crisis on a scale unseen in the United
8 States since the Great Depression.

9 (9) The storm has now become the most de-
10 structive and costliest natural disaster in the history
11 of the United States, resulting in over 1,300 deaths
12 and estimated damage between \$70,000,000,000
13 and \$130,000,000,000.

14 (10) Less than one month later, on September
15 24, 2005, the region was battered again, this time
16 by the strongest-measured hurricane to ever have
17 entered the Gulf of Mexico—Hurricane Rita.

18 (11) Hurricane Rita came ashore between
19 Texas and Louisiana as a category 3 hurricane,
20 packing winds up to 120 miles per hour and a storm
21 surge of 10 feet.

22 (12) A day prior to landfall, the resultant storm
23 surge also reopened some of the levee breaches
24 caused by Hurricane Katrina a month earlier and
25 re-flooded parts of New Orleans.

1 (13) Local storm surges of 15 to 20 feet in
2 southwestern Louisiana were reported, and damage
3 was extensive in coastal parishes.

4 (14) Thousands of residents and families in the
5 effected States, who lived outside the 100-year flood
6 plain and were told they did not need flood insur-
7 ance, suffered significant damage to their homes and
8 in many cases total losses.

9 (15) These families are currently without any
10 type of permanent shelter or any means by which to
11 acquire such shelter or otherwise make themselves
12 whole, thus crippling the Gulf Coast region and its
13 economy.

14 (16) Because of the unprecedented magnitude
15 of the storm and the impact that the devastation of
16 such a large region will have on the United States
17 as a whole, the Federal Government should play a
18 role in providing emergency assistance to these fami-
19 lies to help them rebuild and get on with their lives.

1 **SEC. 3. TEMPORARY EMERGENCY ASSISTANCE FOR PRI-**
 2 **MARY RESIDENCES DAMAGED OR DE-**
 3 **STROYED BY HURRICANES KATRINA AND**
 4 **RITA.**

5 Title IV of the Robert T. Stafford Disaster Relief and
 6 Emergency Assistance Act (42 U.S.C. 5170 et seq.) is
 7 amended by adding at the end the following:

8 **“SEC. 425. TEMPORARY EMERGENCY ASSISTANCE FOR PRI-**
 9 **MARY RESIDENCES DAMAGED OR DE-**
 10 **STROYED BY HURRICANES KATRINA AND**
 11 **RITA.**

12 “(a) IN GENERAL.—The Director shall provide emer-
 13 gency assistance to owners of eligible structures in accord-
 14 ance with this section.

15 “(b) APPLICATION.—The Director shall provide for
 16 owners of eligible structures to submit applications for as-
 17 sistance under this section in such form, containing such
 18 information, and in accordance with such procedures, as
 19 the Director may require.

20 “(c) USE OF FUNDS; SCOPE OF COVERAGE.—

21 “(1) IN GENERAL.—The amount of any assist-
 22 ance under this section provided to an owner of an
 23 eligible structure in a covered disaster area of a
 24 State may be used only for paying—

25 “(A) the costs of repair, reconstruction, or
 26 replacement of such structure or construction

1 or purchase of any other structure (including a
2 manufactured home) to be used as the primary
3 residence of the owner in the covered disaster
4 area of such State; or

5 “(B) the amount remaining to be paid by
6 the owner on the mortgage of the eligible struc-
7 ture.

8 “(2) REPLACEMENT COST.—

9 “(A) IN GENERAL.—Subject to subsection
10 (d), the amount of any assistance provided
11 under this section shall be based on the replace-
12 ment cost necessary for repair, reconstruction,
13 or replacement of the eligible structure to its
14 original specifications and standards prior to—

15 “(i) August 29, 2005, in the case of
16 a structure damaged by flooding resulting
17 from Hurricane Katrina; or

18 “(ii) September 23, 2005, in the case
19 of a structure damaged by flooding result-
20 ing from Hurricane Rita.

21 Such costs shall include adjustments as nec-
22 essary for compliance with the requirements of
23 subsection (e)(1)(B).

24 “(B) DOCUMENTATION.—An owner of an
25 eligible structure applying for assistance under

1 paragraph (1) shall submit to the Director doc-
2 umentation and such other evidence (including
3 a report completed by a State-licensed, nation-
4 ally-certified home inspector) as the Director
5 may require to establish the replacement cost of
6 the eligible structure under subparagraph (A).

7 “(d) COST SHARING.—

8 “(1) FEDERAL SHARE.—Subject to subsection
9 (f) and paragraph (2), the Federal share of the cost
10 of assistance provided under this section for an eligi-
11 ble structure that the Director shall pay to the
12 owner of the eligible structure shall be 80 percent of
13 the replacement cost of the eligible structure as de-
14 termined under subsection (c)(2).

15 “(2) MAXIMUM AMOUNT.—The maximum
16 amount of assistance that may be provided to an
17 owner of an eligible structure under this section for
18 such structure may not exceed \$150,000.

19 “(3) OPTIONAL STATE SHARE.—If the owner of
20 an eligible structure in a State is provided assistance
21 under this section, the State may provide to the
22 owner 10 percent of the replacement cost of the eli-
23 gible structure as determined under subsection
24 (c)(2), but not to exceed \$15,000.

1 “(e) REQUIREMENTS REGARDING FUTURE FLOOD
2 INSURANCE COVERAGE AND MITIGATION ACTIONS.—

3 “(1) IN GENERAL.—The Director may not pro-
4 vide assistance under this section for an eligible
5 structure unless—

6 “(A) the owner of the property upon which
7 the eligible structure is located has entered into
8 a legally binding agreement with the Director,
9 including such deed restrictions as the Director
10 considers appropriate, to ensure that such
11 owner, and any future owners, will at all times
12 after such assistance is provided under this sec-
13 tion with respect to the property, purchase and
14 maintain flood insurance, in perpetuity, for any
15 structures located at any time on the same
16 property on which, at the time of purchase,
17 such eligible structure is located, in an amount
18 at least equal to the lesser of—

19 “(i) the value of the structure, as de-
20 termined by the Director; or

21 “(ii) the maximum limit of coverage
22 made available with respect to the par-
23 ticular type of property under the National
24 Flood Insurance Program, if such coverage
25 is available; and

1 “(B) the owner of the property certifies to
2 the Director that any structure constructed, re-
3 paired, or reconstructed with such assistance
4 will be constructed, repaired, or reconstructed
5 in accordance with—

6 “(i) standards established by the
7 International Code Council in effect at the
8 time the building permit is issued by the
9 local government to the owner of the eligi-
10 ble structure; and

11 “(ii) any final flood elevations or flood
12 maps in effect for purposes of the National
13 Flood Insurance Program at the time the
14 building permit is issued by the local gov-
15 ernment to the owner of the eligible struc-
16 ture and any advisory flood elevations or
17 advisory flood insurance rate maps issued
18 by the Director for purposes of such pro-
19 gram before such building permit is issued.

20 “(2) WAIVER AUTHORITY.—The Director may
21 waive the requirements of paragraph (1)(B) with re-
22 spect to the repair of an eligible structure if the Di-
23 rector determines that the cost of compliance with
24 such requirements by the owner in repairing the eli-
25 gible structure outweigh the benefit derived from

1 such compliance pursuant to a substantial damage
2 analysis.

3 “(f) PROHIBITION ON DUPLICATIVE BENEFITS IN
4 EXCESS OF REPLACEMENT COSTS.—Notwithstanding sec-
5 tion 312, the Director shall assure that no owner of an
6 eligible structure will receive assistance under this section
7 that, when combined with other financial assistance re-
8 ceived by the owner under any program, including section
9 404 or 408, or from insurance or any other source for
10 the purpose of repair, reconstruction, or replacement of
11 the eligible structure, is in excess of the replacement cost
12 of the eligible structure as determined under subsection
13 (c)(2). Before receipt of any assistance for which an owner
14 is eligible under this section for an eligible structure, the
15 owner shall enter into a legally binding agreement with
16 the Director to repay any and all of such assistance that
17 is in excess of the replacement cost of the eligible structure
18 as determined under subsection (c)(2).

19 “(g) VERIFICATION OF USE OF FUNDS AND COMPLI-
20 ANCE.—

21 “(1) DOCUMENTATION; REPORTS.—Within 6
22 months after the date on which an owner of an eligi-
23 ble structure receives assistance under this section,
24 and every 6 months thereafter until all such assist-

1 ance is accounted for, the owner shall submit to the
2 Director—

3 “(A) all receipts and documentation
4 verifying the use of such assistance for the pur-
5 pose for which it was provided; and

6 “(B) reports completed by a State-licensed,
7 nationally-certified home inspector verifying
8 compliance by the owner with the requirements
9 of subsection (e)(1)(B) if such requirements are
10 not waived by the Director.

11 “(2) ENFORCEMENT.—The Director may sus-
12 pend assistance under this section, and take any ad-
13 ditional action which the Director deems appro-
14 priate, with respect to an owner of an eligible struc-
15 ture if the Director determines that the owner is not
16 complying with paragraph (1).

17 “(h) DEFINITIONS.—In this section, the following
18 definitions apply:

19 “(1) COVERED DISASTER AREA.—The term
20 ‘covered disaster area’ means an area—

21 “(A) for which a major disaster was de-
22 clared by the Director pursuant to title IV of
23 the Robert T. Stafford Disaster Relief and
24 Emergency Assistance Act as a result of Hurri-
25 cane Katrina or Hurricane Rita in 2005; and

1 “(B) in which the sale of flood insurance
2 coverage was available under the National
3 Flood Insurance Act of 1968 (42 U.S.C. 4001
4 et seq.) as of—

5 “(i) August 29, 2005, in the case of
6 an area for which a declaration referred to
7 in subparagraph (A) was made as a result
8 of Hurricane Katrina; or

9 “(ii) September 23, 2005, in the case
10 of an area for which a declaration referred
11 to in subparagraph (A) was made as a re-
12 sult of Hurricane Rita.

13 “(2) ELIGIBLE STRUCTURE.—The term ‘eligible
14 structure’ means a structure (including a manufac-
15 tured home) that—

16 “(A) sustained damage or losses from
17 flooding resulting from Hurricane Katrina or
18 Hurricane Rita in 2005;

19 “(B) is located in a covered disaster area;

20 “(C) is a residential structure that was
21 used as the primary residence of the owner of
22 the structure as of—

23 “(i) August 29, 2005, in the case of
24 a structure damaged by flooding resulting
25 from Hurricane Katrina; and

1 “(ii) September 23, 2005, in the case
2 of a structure damaged by flooding result-
3 ing from Hurricane Rita;

4 “(D) was covered by an insurance policy
5 for losses caused by wind or windstorm as of—

6 “(i) August 29, 2005, in the case of
7 a structure damaged by flooding resulting
8 from Hurricane Katrina; and

9 “(ii) September 23, 2005, in the case
10 of a structure damaged by flooding result-
11 ing from Hurricane Rita;

12 “(E) is of a type for which coverage was
13 generally made available under the National
14 Flood Insurance Program as of August 29,
15 2005; and

16 “(F) is not located in an area that has
17 been identified by the Director as an area hav-
18 ing special flood hazards (as such term is used
19 for purposes of section 102 of the Flood Dis-
20 aster Protection Act of 1973 (42 U.S.C.
21 4012a)) as of August 29, 2005.

22 “(3) DIRECTOR.—The term ‘Director’ means
23 the Director of the Federal Emergency Management
24 Agency.

1 “(i) TERMINATION.—The Director may not provide
2 any assistance under this section except pursuant to an
3 application for such assistance submitted to the Director
4 before the expiration of the 180-day period beginning on
5 the date of the enactment of this section.

6 “(j) REGULATIONS.—The Director may issue any
7 regulations necessary to carry out this section.”.

8 **SEC. 4. HAZARD MITIGATION.**

9 (a) IN GENERAL.—Section 404(a) of the Robert T.
10 Stafford Disaster Relief and Emergency Assistance Act
11 (42 U.S.C. 5170c(a)) is amended—

12 (1) in the first sentence by striking “75” and
13 inserting “90”; and

14 (2) in the last sentence by striking “7.5” and
15 inserting “15”.

16 (b) PROPERTY ACQUISITION AND RELOCATION AS-
17 SISTANCE.—Section 404(b) of such Act (42 U.S.C.
18 5170c(b)) is amended by adding at the end the following:

19 “(4) REDUCTION.—The amount of any assist-
20 ance that would otherwise be provided to an owner
21 of an eligible structure under section 425(c)(1)(B)
22 shall be reduced by the amount of assistance the
23 owner receives for such structure under such sec-
24 tion.”.

1 (c) APPLICABILITY.—The amendments made by sub-
2 sections (a) and (b) shall apply with respect to a major
3 disaster declared by the President on or after August 24,
4 2005.

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